

**TESTIMONY PRESENTED TO THE ENERGY AND TECHNOLOGY COMMITTEE**  
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Testimony Supporting House Bill No.6377

**AN ACT CONCERNING GREEN BUILDING REGULATIONS**

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Senator Fonfara, Representative Nardello and distinguished members of the Energy and Technology Committee thank you for the opportunity to offer testimony on House Bill No. 6377, An Act Concerning Green Building Regulations.

With the passage of Public Act 06-187 State government took a major step towards changing its own energy future. This Act, as subsequently amended by Public Acts 07-213, 07-242, and 07-249 seeks to establish by regulation standards for how state-owned and state-paid-for buildings are constructed so as to achieve higher energy and environmental standards. Pursuant to the original statute and the amendments, the regulations envisioned by this legislation is now working its way through the regulations process and will be submitted to the legislature for its review and adoption shortly.

Notwithstanding the development of these green building regulations, there are a number of changes to the underlying statute that the Governor's Office and the Office of Policy and Management believe would enhance administration and compliance with the proposed regulations.

Bill 6377 proposes to make three changes to the existing statutory construct. First, it seeks to remove the dollar criteria for which the regulations would apply. It replaces this threshold with a square footage criterion. With input from the Department of Public Works (DPW), we believe a square footage threshold for compliance is the more appropriate methodology. The intent of the legislation is to ensure that buildings of a certain size must be constructed to specific energy and environmental standards. Defining a building size by a dollar amount will necessarily mean that as construction costs rise in the future, smaller and smaller buildings will be either required to comply or seek exceptions. Both of these scenarios place increased administrative burdens on the State which it can ill-afford at this point. While not diminishing the fact that smaller

buildings can and do use energy, the cost effectiveness of mandating higher energy standards for buildings diminish as building size decreases.

The second change that this bill seeks to make is to remove both the Institute for Sustainable Energy and the Office of Policy and Management from the responsibility for granting exemptions to the compliance with these standards. The sole responsibility for exemptions would lie with the Department of Public Works. DPW is the executive branch agency with the primary responsibility for state-owned building construction projects. While there are certain exemptions to this process, notably the higher education institutions, DPW is in a better position from the technical perspective to evaluate and determine exemption requests. The Institute for Sustainable Energy has no existing infrastructure nor fiscal resources to support its responsibilities as envisioned under the existing statutory construct. As a matter of policy, OPM is also concerned with the precedent being set in allowing academic entities to have a responsibility in executive branch decision-making.

Lastly, the proposed bill would change the responsibility for the promulgation of the required regulations from OPM to DPW. As already stated, DPW is the primary executive branch agency with the administrative and technical infrastructure to oversee implementation of the regulations. It makes sense that any future changes that may be needed, as a result of changes to the underlying energy or environmental standards, would best be addressed by the agency where the technical expertise is already resident.

Thank you for this opportunity to comment on this bill. I or my staff would be happy to continue to work with the Committee as it works on final language for this proposal.